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Application No.: 10/092072

Docket No.: 47079-00125USPT

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 3/24/05 Signature: Carol Marstaller
(Carol Marstaller)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bradley A. Rose

Application No.: 10/092072

Group Art Unit: 3713

Filed: March 6, 2002

Examiner: M. W. O'Neill

For: INTEGRATION OF CASINO GAMING AND NON-CASINO INTERACTIVE GAMING

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Restriction response to Office Action dated 2/25/05
2. Acknowledgement postcard

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 10-0447, under Order No. 47079-00125USPT. A duplicate copy of this paper is enclosed.

Dated: 3-24-05

Respectfully submitted,

By Steven R. Greenfield
Steven R. Greenfield

Registration No.: 38,166
JENKENS & GILCHRIST, A PROFESSIONAL CORPORATION
225 W. Washington, Ste. 2600
Chicago, Illinois 60606-3418



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 3/24/05

Signature: Carol Marstaller

(Carol Marstaller)

Docket No.: 47079-00125USPT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bradley A. Rose

Application No.: 10/092072

Confirmation No.: 8523

Filed: March 6, 2002

Art Unit: 3713

For: INTEGRATION OF CASINO GAMING AND
NON-CASINO
INTERACTIVE GAMING

Examiner: M. W. O'Neill

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 25, 2005, Applicant hereby provisionally traverses the restriction requirement with respect to Groups I-IV (claims 1-3, 6-15, 19, 21-35, 39-55, 57 and 58). Applicant would agree to restrict out Group V (claims 59-60) and combine Groups I-IV as a single group for prosecution. Arguments for such a traversal are as follows:

37 CFR § 1.142(a), second paragraph, states: "[i]f the distinctiveness and independence of the invention be clear, such [restriction] requirement will be made before any action upon the merits." This means the Examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops.

Before making a restriction requirement after the first action on the merits, the Examiner will consider whether there will be a serious burden if restriction is not required.

Applicant respectfully points out that this requirement is being made after the First Office Action. The Examiner has already performed a search on the merits of the claims. In response to the First Office Action, Applicant amended independent claims 1, 10, 31 and 52, each with relatively similar language, which does not diverge the various independent claims toward separate restrictive inventions. As such, Applicant respectfully submits that the burden on the Examiner for keeping Groups I, II, III and IV together is minimal. Applicant would agree that Group V could arguably be restricted out as a separate invention.

Furthermore, the inventions were prescribed as being distinct from each other because inventions of Groups I, II, III, and IV are related as subcombinations disclosed as usable together in a single combination. Applicant would agree that subcombinations are distinct from each other if they are shown to be separately usable, but, Applicant respectfully points out that the Examiner has not provided a *prima facie* reason that each invention has separate utility such as being used with a different combination other than the ones that are claimed. That is, the Examiner has not provided any discussion as to how the two or more subcombinations disclosed can be shown to be separately usable. Applicant respectfully points out that the combinations and subcombinations are all directed to a method or apparatus wherein a gaming machine is linked to a central server system by a reconfigurable computer network. As such, Applicant respectfully submits that at least Groups I, II, III and IV are not separately usable and are therefore not distinct from each other. Applicant respectfully traverses the present restriction request and submits that at least Groups I, II, III and IV should be prosecuted together.

Notwithstanding the above traversal of the restriction request, Applicant would elect to prosecute Group III (claims 31-35, 39-51 and 64) drawn to a web-based system, classified as class 709, subclass 200.

Applicant respectfully requests that the Examiner reconsider the present restriction requirement along with the lack of *prima facie* support showing that the two or more claimed subcombinations can be separately usable.

Dated: 3-24-05

Respectfully submitted,

By 

Steven R. Greenfield

Registration No.: 38,166

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